



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

July 11, 2017

Laurie Gilmore
Kennel Owner
Dreamcatcher Farm Dog Grooming and Boarding
5469 Dona Road
Julian, NC 27283

NOTICE OF CIVIL PENALTY

**Re: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF TITLE 02 N.C.
ADMINISTRATIVE CODE, CHAPTER 52J SECTION .0102(3).**

AWS-CP-2017-10

**Facility: Dreamcatcher Farm Dog Grooming and Boarding
License No. 10916**

Dear Ms. Gilmore:

Pursuant to N.C. General Statute § 19A-40, I am issuing this notice that Laurie Gilmore, individually and DBA Dreamcatcher Farm Dog Grooming and Boarding, is hereby assessed a civil penalty of \$100.00 as detailed in the enclosed Notice of Violations. This amount is based on the degree and extent of the harm caused by the violation and is consistent with those previously issued by Animal Welfare Section ("AWS") for similar violations.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to N.C. General Statute § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone

at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

PAYMENT

To pay the civil penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

APPEAL

If you file a contested case petition, it must be filed within 60 days and in writing and in the form prescribed by N.C. General Statute § 150B-23. The petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to the N.C. Office of Administrative Hearings ("OAH"). Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone at 919-431-3000. You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Patricia Norris', with a long horizontal flourish extending to the right.

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: R. Douglas Meckes, DVM, State Veterinarian
Tina Hlabse, General Counsel, NCDA&CS
Joe Reardon, Assistant Commissioner, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT
OF AGRICULTURE AND CONSUMER
SERVICES, VETERINARY DIVISION
ANIMAL WELFARE SECTION

IN THE MATTER OF
LAURIE GILMORE
INDIVIDUALLY AND DBA
DREAMCATCHER FARM DOG
GROOMING AND BOARDING

) NOTICE OF VIOLATIONS
) ASSESSMENT OF CIVIL PENALTY
) FOR VIOLATION OF 02 NCAC
) 52J .0102(3)
)

Acting pursuant to N.C. General Statute § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

FINDINGS OF FACT

1. At all times, pertinent to this matter Dreamcatcher Farm Dog Grooming and Boarding (License No. 10916) ("the kennel") was a boarding kennel licensed pursuant to N.C. General Statute § 19A-28 and owned and operated by Laurie Gilmore.
2. On June 13, 2017, AWS received a complaint concerning the care of a dog named "Sampson" that had boarded at the kennel prior to transferring to another kennel ("Kennel #2"). The complaint was against the care Sampson received while at Kennel #2.
3. Based on the information received, AWS opened an investigation. During the course of the investigation, AWS Animal Health Technician Christie Shore ("Inspector Shore") interviewed the kennel management and reviewed the kennel records relevant to the period Sampson was boarded at the kennel prior to the transfer.
4. On June 2, 2017, Sampson was taken to the kennel for boarding. Medication was left by Sampson's owner to be administered to Sampson during the boarding period.
5. Review of the records for the period that Sampson boarded at the kennel, June 2 – 5, 2017, show that the administration of the medication left by Sampson's owner was not documented. Inspector Shore discussed this concern with Darryl Gilmore, a member of the kennel management. Mr. Gilmore stated that no medication log documenting the administration of the medications was kept by the kennel as required by 02 NCAC 52J .0102(3).
6. The written Program of Veterinary Care submitted by the kennel for the 2017 Boarding Kennel application states:
 - (a) "disposition of medication is kept in each animals (sic) file which contains: Name of medication, description & dosage."
 - (b) "Each time medication is given, I write down the date & time & initial it."
 - (c) "All records are kept on file for 1 year."

CONCLUSIONS

The investigation revealed that the record of medication administered to this dog was not maintained as required by 02 NCAC 52J .0102(3).

As a result of this investigation, the North Carolina Department of Agriculture and Consumer Services, Veterinary Division, Animal Welfare Section, finds that Laurie Gilmore, individually and DBA as Dreamcatcher Farm Dog Grooming and Boarding, either by act or omission, violated the provisions the North Carolina Administrative Code 52J .0102(3).

(See Appendix for text of cited General Statutes and Administrative Code)

CIVIL PENALTIES


As required by N.C. General Statute § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, Laurie Gilmore, individually and DBA Dreamcatcher Farm Dog Grooming and Boarding is hereby assessed a civil penalty for the following violation:

\$100.00 for violation of North Carolina Administrative Code 52J .0102(3)

\$100.00 TOTAL AMOUNT ASSESSED

July 11, 2017
Date


Patricia Norris, DVM MS
Director, Animal Welfare Section
North Carolina Department of
Agriculture & Consumer Services

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0102 RECORDS; BOARDING KENNELS

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

(3) veterinary care provided while boarded, which shall include date, times, description of medication (including name and dosage) and initials of person administering product or procedure.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.*